The Ombudsman, Hong Kong

Summary of Annual Report **2019/20**

POSITIVE COMPLAINT CULTURE
FOR BETTER ADMINISTRATION

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Complaints and Enquiries

During the year under report, we received 19,767 complaints, up by 296% over the 4,991 complaints received last year which was unprecedented. Together with 970 brought forward from last year, we had a total of 20,737 complaints for processing this year as compared to 5,808 last year. We also received 8,581 enquiries during the year which was fewer than the 10,403 enquiries received last year.

Among the 19,767 complaints, there were 15,034 secondary cases in topical complaints which was also the historic high. Many of the topical complaints were related to recent political events and social movement. The number of normal complaints (excluding topical complaints) was similar to previous year.

We completed processing 19,838 (95.7%) of all cases received during the year and those brought forward from last year. Among these, 2,807 were pursued and concluded by way of inquiry, full investigation or mediation. This was slightly less than the 2,912 cases pursued and concluded last year. The slight drop was due to the need to handle a large influx of topical cases and the constraints imposed during the special work arrangement in relation to the outbreak of the novel coronavirus.

The rest of the complaints handled (17,031, 85.8%) were closed after assessment due to the fact that there was insufficient ground to pursue the complaint (8,676, 50.9% among complaints assessed and closed), or for jurisdictional or legal restriction reasons (8,355, 49.1% among complaints assessed and closed). The number of complaints assessed and closed in 2019/20 was much more than 1,926 cases assessed and closed in 2018/19. Most of these complaints assessed and closed were topical complaints.

2019-2020 Highlights

19,767 total complaints

4,733 normal complaints (excluding topical complaints)

15,034 topical complaints

8,581 enquiries

	Percentage	No. of cases
By inquiry	86.1%	2,418
By full investigation	8.6%	240
By mediation	5.3%	149
Total	100.0%	2,807 complaints pursued and concluded in total

Outcome of Investigations and Inquiries

This year, we concluded 240 complaints by full investigation and 152 (63.3%) cases were substantiated, partially substantiated or unsubstantiated but other inadequacies found. Among the 2,418 inquiry cases concluded, inadequacies or deficiencies were found in 369 (15%).

12.9% substantiated
8.8% partially substantiated
41.7% unsubstantiated but other inadequacies found
34.2% unsubstantiated
0.8% inconclusive
1.7% withdrawn/discontinued

Note: Percentages may not add up to total due to rounding.

Direct Investigations

During the year we completed 10 direct investigations:

- Government's Planning and Arrangements for Ancillary Facilities for Electric Private Vehicles
- Mechanism for Identifying and Reporting Suspected Child Abuse Cases
- Buildings Department's Implementation of Mandatory Window Inspection Scheme
- Education Bureau's Mechanisms for Approving Applications for School Fee Revision by Direct Subsidy Scheme/Private Schools and Collection of Other Charges by Private Schools
- Lands Department's Enforcement against Commercial Use of Public Pedestrian Passages and Public Atria in Private Malls
- The Issue of Idle Flyovers and "Bridges to Nowhere"
- Allocation Mechanism of Ward Offices under Housing Department
- Notification Mechanism and Arrangements of Housing Department and Social Welfare Department for Imprisoned Singleton Public Rental Housing Tenants
- Leisure and Cultural Services Department's Arrangements for Depositing Layout Plans of Public Pleasure Grounds in Land Registry
- Mechanisms for Verifying Travel Records of Comprehensive Social Security Assistance/Social Security Allowance Applicants and Recipients

Recommendations

Below are the figures on our investigations conducted and recommendations made for this financial year.

Full investigations conducted : **240**
Recommendations made : **128** (72.3%)

Direct investigations conducted : **10**
Recommendations made : **49** (27.7%)

Accepted for implementation : **148** (83.6%)

Under consideration : **29** (16.4%)

Achievement of Performance Pledges

This year we continued to be able to meet the targets of our service standard in processing of complaints.

Complaints	Service Standard	Target	Achievement
Acknowledge receipt of a complaint	– Within 5 working days	99%	99.9%
Close a complaint case after initial assessment due to jurisdictional restrictions	– Within 10 working days	90%	98.9%
	– Within 15 working days	99%	99.4%
Conclude a complaint case	– Within 3 months	80%	93.5%
	– Within 6 months	99%	99.3%

As for enquiries, our processing time was affected in February and March 2020 when special work arrangement was in place due to the situation of the COVID-19. Overall, we replied within ten working days in 96.4% of written enquiries received (our target is 99%).

Mediation

Among the 2,807 cases pursued and concluded, 149 cases (5.3%) were concluded by mediation. The number of departments and organisations participating in mediation was on the rise in the past five years, from 21 in 2015/16 to 25 in 2019/20. The average processing time of mediation was 13.4 days, 89.3% of the cases were resolved within a month and over 32% of them within 5 days. Of those complainants who responded to our questionnaires, over 91% had positive feedback on our mediation service.

149
mediated cases

Complaints on Access to Information

During the year, we received a total of 100 complaints about access to information ("ATI"), which is a record high. This shows that public expectation for an open and accountable Government is on the rise. Among the 84 ATI complaints concluded, inadequacies were found in 40 cases (48%).

	Organisations covered by the Code	Organisations not covered by the Code
Received	96	4
Concluded*	78	6

* Including those carried forward from last year

Re-assessment of Cases and Review of Cases

During the year we received 219 requests for re-assessment, with 95 subsequently re-opened for inquiry. Moreover, we received 239 requests for review. The original decision was varied in 3 cases after review and upheld for the remaining 236.

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Spreading Our Message

We carried out an array of promotional activities to educate members of the public on our role, engage stakeholders of the community and solicit feedback. We disseminated and communicated news of latest development through online channels and social media platforms. To enhance the transparency of our work, we published more investigation reports on the official website. News about the launch of direct investigations and publication of investigation reports were shared on our social media fanpage and website.

At the commencement of my term of office in April 2019, I hosted a media gathering and shared with them the directions for the years ahead. During the year, we held two press conferences and issued six press releases to announce the results of 10 direct investigations. We also declared the launch of five direct investigations to invite public views.

We gave a total of nine talks to share our mission, scope of work and our experience in complaint handling with staff of different government departments and public organisations. We also received 12 groups from the mainland and overseas.

The Presentation Ceremony of the Ombudsman's Awards was held on 8 November 2019. This year's Grand Award went to the Immigration Department for their exemplary performance in complaint handling and serving the public, whereas the Post Office and Social Welfare Department were the runners-up. The Food and Environmental Hygiene Department won the Award on Mediation. 54 public officers got the individual awards.

We keep connections with our counterparts in the mainland and overseas. I visited the National Supervisory Commission in Beijing and their Shanghai Office as well as the Commission Against Corruption of Macao in September and October 2019 respectively. In end September 2019, I attended the 31st Australasian and Pacific Ombudsman Region Conference and Business Meeting in Taipei. I also attended the Asian Ombudsman Association (AOA) Board Meeting in Istanbul, Turkey in November 2019 and have been elected as Secretary of AOA.

We Value Our Staff

We continued to build our professional capacity and foster a learning culture through enhanced staff development and knowledge management in the year. We organised induction training, in-house vocational workshops, and forums for staff. To keep staff abreast of the best practices and latest trends in complaint handling in different jurisdictions, we sent staff to attend overseas training and conferences.

We continued to run the Employee Wellness Programme to offer necessary coaching and counselling to our staff to help them achieve personal and professional effectiveness. A two-year thematic programme titled "Building a Positive Organisation with PRIDE" was launched in the year.

	Reporting year[1]				
	15/16	16/17	17/18	18/19	19/20
Enquiries	**12,159**	**11,564**	**11,424**	**10,403**	**8,581**
Complaints					
(a) For processing	**6,112**	**5,732**	**5,587**	**5,808**	**20,737**
– Received	5,244[213]	4,862[74]	4,829[68]	4,991[349]	19,767[15,034]
– Brought forward	868	870	758	817	970
(b) Completed	**5,242[224]**	**4,974[74]**	**4,770[61]**	**4,838[353]**	**19,838[15,040]**
Pursued and concluded	**3,100[205]**	**2,907[40]**	**2,724[52]**	**2,912[344]**	**2,807[326]**
– By inquiry[2]	2,740[175]	2,556[16]	2,292[37]	2,502[326]	2,418[217]
– By full investigation[3]	226[30]	218[24]	195[15]	205[18]	240[109]
– By mediation[4]	134	133	237	205	149
Assessed and closed	**2,142[19]**	**2,067[34]**	**2,046[9]**	**1,926[9]**	**17,031[14,714]**
– Insufficient grounds to pursue[5]	1,187[4]	1,102	1,099	1,037[9]	8,676[7,496]
– Legally bound[6]	955[15]	965[34]	947[9]	889	8,355[7,218]
(c) Percentage completed = (b)/(a)	**85.8%**	**86.8%**	**85.4%**	**83.3%**	**95.7%**
(d) Carried forward = (a) – (b)	**870**	**758**	**817**	**970**	**899**
Direct investigations completed	**8**	**11**	**12**	**12**	**10**

Note 1. From 1 April to 31 March of the next year.
Note 2. Pursued under section 11A of The Ombudsman Ordinance, for general cases.
Note 3. Pursued under section 12 of The Ombudsman Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.
Note 4. Pursued under section 11B of The Ombudsman Ordinance, for cases involving no, or only minor, maladministration.
Note 5. Not pursued but closed for reasons such as lack of *prima facie* evidence, organisation concerned is taking action, mere expression of opinion.
Note 6. Outside the Office's jurisdiction or restricted by The Ombudsman Ordinance.
[ ] Number of topical complaints.

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